

Declassified E.O. 12356 Section 3.3/NND No. 785016

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Declassified E.O. 12356 Section 3.3/NND No. 735016

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CA, TREATMENT OF PRISONERS,
COSTA CARLA
JAN., FEB. 1945

Declassified E.O. 12356 Section 3.3/NND No. 735016

SECRET

File

Memo Randolph

Ref. 2617/C05

27 February 1945

To: Executive Commissioner.

I refer to Minute 5.

1. The circular referred to was issued in Jan 44; you took strong action and wrote to M. A.I. in protest and the circular was withdrawn.
2. With regard to the last para of Minute 5 I regret that I did not make it plain that the evidence against COMA obtained by the methods described was not used to convict her. At the trial evidence was given which was sufficient to convict her without reference to anything she said as a result of her starvation and lack of sleep. Had it been necessary to rely on any evidence given after she had been subjected to these "psychological tricks" she would undoubtedly have been acquitted, for no Court could convict on evidence so obtained or, if it did, the Reviewing Authority would as a matter of law quash the conviction.
3. Furthermore, COMA would not still be at large for commonly in cases where the evidence is not sufficient to convict, accused are treated as civilian detainees for the duration.
4. I should like to point out, too, that I am making no differentiation between C.I.C. and F.S.E. No cases of the employment of these Nazi methods by the F.S.E. have come to my knowledge since the circular referred to above was withdrawn but, if there have been any such, they are equally reprehensible and should be stopped.
5. I draw your attention to the attached file AM/1003/60/L, the case of WOLF, where even worse methods were employed. The accused was ordered to take off his clothes, the agent lost his temper and hit him twice in the stomach and WOLF said he would confess if he could get on his clothes (see Minute 1 on that file). A confession so obtained is worthless and of course the Court acquitted him.
6. I feel most strongly that these barbaric methods, the antithesis of

...a result of her exhaustion and lack of sleep. ...at ... necessary to rely on any evidence given after she had been subjected to these "psychological tricks" she would undoubtedly have been acquitted, for no Court could convict on evidence so obtained or, if it did, the Reviewing Authority would be a matter of law quash the conviction.

3. Furthermore, *CHRY* would not still be at large for common in cases where the evidence is not sufficient to convict, accused are treated as civilian detainees for the duration.

4. I should like to point out, too, that I am making no differentiation between G.I.'s and N.I.'s. No aspect of the employment of these Nazi methods by the U.S.S. have come to my knowledge since the circular referred to above was withdrawn but, if there have been any such, they are equally reprehensible and should be stopped.

5. I draw your attention to the attached file AG/1083/89/L, the case of *WAGEL*, where even worse methods were employed. This accused was ordered to take off his clothes, the agent lost his temper and hit him twice in the stomach and *WAGEL* said he would confess if he could put on his clothes (see Minute 1 on that file). A confession so obtained is worthless and of course the Court acquitted him.

6. I feel most strongly that these barbaric methods, the antithesis of all we are fighting for, will bring the Allies into disrepute and that we should make the strongest possible protest to try and prevent their continuance. But on the least grounds, information so obtained is of the smallest value.

I again submit this file, reinforced by the *WAGEL* case, with a recommendation that a protest be made to *AMN* at the highest level.

Copy to file 6/15.1/04.

C. R. V. 27.1.45
G. R. UNION BRIG.
77 CA Section.

MINUTE SHEET

COPY

(3)

Chief Commissioner.

FP. 1 & 2 submitted for reading. They shook me.

Two alternatives are possible :

- (1) To write DO to General Clark 15 Army Group in which the interrogation took place.
- (11) To write officially to SACRED.

"11" has the advantage of ventilating the matter over the whole area.

2 Feb 45

(Sgd) M.B. LEBH

Draft submitted at (4)

(5)

OOS.

Sorry, I cannot agree that CIC methods are any more severe than those of PES. A circular describing starvation methods of latter was shown you some time ago. Such methods are commonly employed in dealing with spies in all theatres. The practices of war naturally are not those of the civil police, nor is court procedure.

Defence Counsel may be expected to protect the interests of defendants. The record in the case of COSTA Carla would appear amply to justify the methods employed. Without them she undoubtedly would be free, and still operating as a spy.

(sgd) STONE OL.

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DRAFT

(14)

DO letter from Admiral STONE to General CLARK (or to SACRED)

I attach extracts from the evidence given in an Allied Military Government Court case held on 13-18 Dec 44 at Florence before Wing-Comdr Dickie, Legal Officer, 5th Army AMG, Lt Col Holmgren and Capt Baden, for the trial of an Italian woman named COSTA Carla, on a charge of espionage. COSTA is a woman of 17 years of age. She was duly convicted and sentenced to a term of 20 years imprisonment: the facts of the case are immaterial.

The extracts of the evidence produced both by the special agents of the CIC and the accused herself describe methods employed in the investigation of the case which shock me profoundly. It is a revelation that such activities, which can only be associated with Nazi and Fascist methods, are permitted and that apparently the agents themselves are unconscious of their conduct in which (if COSTA is to be believed and there seems no reason to doubt her evidence) the assistance of American Red Cross nurses has been sought and given.

As the appellate authority on whom lies the responsibility of confirming sentences of death in espionage cases on behalf of the Supreme Commander, I shall feel the most profound misgivings in reviewing future cases unless I can have an assurance that such methods of investigation will cease.

I trust that in the interests of the good name of the Allied Nations of humanity and justice that this assurance will be readily given and that proper action will be taken against not only the agent who, by his own evidence is guilty, but against his superior officers who by permission or omission have allowed him to depart so far from the tenets of decency.

DISAPPROVED : (sgnd) EWS OC
1 Feb 45

Declassified E.O. 12356 Section 3.3/NND No. 735016

SECRETHEADQUARTERS ALLIED COMMISSION
CIVIL AFFAIRS SECTION

6/15.1/CA

31 Jan 45

SUBJECT: Treatment of Prisoners.

TO: Chief of Staff.

- 1 Attached are extracts from the evidence given in a General Court Case held on 13-19 Dec 44 at Florence before 7/Comdr Pickie, Lt. Col. Hilmgreen, Capt. Davis and Capt Baden for the trial of a woman named COSTA Carla on a charge of espionage.
- 2 COSTA was born on 1 July 1927, was duly convicted and sentenced to a term of 20 years imprisonment; the facts of the case are immaterial.
- 3 As you will see from the extracts of the evidence, the methods employed by the CIC agents in question are purely Nazi; I can think of no worse description, or I should use it. It is a most appalling revelation that such activities are permitted and apparently the agents themselves are supremely unconscious of their revolting and disgusting conduct in which, (if COSTA is to be believed and there seems no reason to doubt the evidence) the assistance of Red Cross Nurses has been sought and given.
- 4 It is recommended that this matter be referred to AFEC at the very highest level in order that such barbaric methods may be stopped immediately and appropriate action taken against the agents.

Ext. 525
GRU/sgG.R. UFFORD, Brig..
VP CA Section.

Copy to: Tagli S/C.

1680

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SECRET

Enclosure to 6/15.1/CA Dated 31 Jan 45.

GENERAL COURT CASE OF COSTA Carla - Extracts from the evidence.

PROSECUTION

5th Witness, John Heymond RICHARDSON, Special Agent, CIC:
 ".....I am of the opinion that the progression of threats against her family was not initiated until after the 25th, but I am not sure...."

6th Witness, Gordon M. MESSING, Special Agent CIC, 5th Army:
 ".....After this statement, I continued interrogations for the next three days to obtain further intelligence information. We adopted various psychological tricks. We starved her and limited her sleep. American Army Nurses were present to see she did not suffer unduly. The accused went two days without food except for coffee and toast and fruit juice. She was deprived of sleep on night of 26th or 27th, for one night only. About the 26th or 27th a telegram purporting to be addressed to Count RYKAL was prepared asking for the arrest and trial of her parents for harboring spies, a bogus news release was also got out as to what would happen to the accused if she was sent to America. The accused continued adamant. I questioned her further. On the 28th Oct she made another statement. This followed the receipt of a report from RYKAL on the activities of her group, which was produced to the accused on the 28th Oct. As we read it, she confirmed points here and there. Major MESSING said (through me as interpreter) that the fate of her parents was still in jeopardy and if she filled out her story, she would be helping them...."

DEFENSE:

1st Witness, COSTA Carla: "..... I recall being kept without food on 26th or 27th September. I spent those two days without eating or sleeping. They ordered the two American Nurses to sit in my presence. I was compelled to sit in front of a table and was prevented from going to sleep by an American Nurse or a Carabinieri at the door. They either spoke to me or flashed a light on my eyes...."

On Cross Examination: "..... I recall having made a second confession. I made this because my parent had been threatened and only for that reason. I knew at that time that the interrogating officers knew I was a spy...."

Questioned by the Court: ".....I made the first statement on the 25th Oct; threats were made against me personally that I would be tortured and shot. I confirm that the statements I made in it were true.

The second statement was made because of threats against my parents. I confirm that what I wrote in it were true....."

Declassified E.O. 12356 Section 3.3/NND No. 725016

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.

27 January 1945.

AC/4083/58/L.

SUBJECT : Torture by CIC.

TO : VP, CA Sec.

1. Herewith for the information of the VP, the record in the case of COSTA Carla. The documents are sent solely to enable the VP to raise with higher authority the desirability of the discontinuance of practices of the nature which were admitted in the course of the case. There is no need for the VP to read any of the documents except the portions of the record which are flagged.

2. COSTA Carla is a girl who was born on the 1st July 1927. She was interrogated on and after the 23rd October 1944 by agents of the CIC. According to the evidence of the fourth witness, Special Agent Richardson, she admitted on 23 October that she was an enemy agent and made a voluntary statement on that date.

3. The sixth witness, Gordon M. Messing of the CIC, gave evidence of the steps that were taken after the statement had been given to obtain further intelligence information. He states in examination in chief, "We adopted various psychological tricks. We starved her and limited her sleep. American Army nurses were present to see she did not suffer unduly. The accused went two days without food except for coffee and toast and fruit juice. She was deprived of sleep on the night of the 26th and 27th for one night only. About the 26th or 27th a telegram purporting to be addressed to Count Sforza was prepared asking for the arrest and trial of her parents for harboring spies; a bogus news release was also got out as to what would happen to the accused if she was sent to America."

4. The accused herself amplified the story slightly in her own evidence.

5. The decision on review has not yet been communicated to the Regional Legal Officer concerned so that it would be appreciated if the record ~~could~~ be returned as soon as possible.

W. E. Behrens
W. E. BEHRENS,
Colonel,
Deputy Chief Legal Advisor.

Incl: Record of COSTA case.

Copy to: File AC/4040/L.

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